

## **DISCLAIMER**

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## **APPLICATION OF**

**KINDER MORGAN VIRGINIA, LLC**

**CASE NO. PUE-2001-00722**

**For authority to construct and operate  
an electric generating facility in  
Cumberland County**

## **HEARING EXAMINER'S RULING**

**May 8, 2002**

On December 27, 2001, Kinder Morgan Virginia, LLC ("Kinder Morgan Virginia" or the "Company") filed an application requesting authorization to construct and operate a 560 megawatt natural gas-fired electric generating plant in Cumberland County, Virginia. On February 26, 2002, the Commission entered an Order for Notice and Hearing establishing a procedural schedule and setting a hearing for July 9, 2002. On May 2, 2002, Kinder Morgan Virginia filed a Motion to Extend Procedural Schedule ("Motion") requesting that the procedural schedule and hearing date be extended for a period of six months. In support of its Motion, Kinder Morgan Virginia cites recent events and energy market developments and the Commission's Remand Order in Case No. PUE-2001-00423.

I find the Motion should be granted. Accordingly,

### **IT IS DIRECTED THAT:**

(1) The hearing currently scheduled for July 9, 2002, shall be convened for the sole purpose of receiving statements from public witnesses;

(2) The evidentiary hearing is hereby rescheduled for December 17, 2002, at 10:00 a.m. in the Commission's Courtroom, Second Floor, Tyler Building, 1300 East Main Street, Richmond, Virginia;

(3) On or before September 6, 2002, the Company may file with the Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118, an original and fifteen (15) copies of any additional testimony and exhibits by which it expects to establish its case;

(4) On or before October 4, 2002, any person desiring to participate in this proceeding as a respondent shall file with the Clerk of the Commission at the address set forth in paragraph (2), an original and fifteen (15) copies of a notice of participation as a respondent, and shall serve a copy on counsel to the Company, Donald G. Owens, Esquire, Troutman Sanders LLP, P.O. Box 1122, Richmond, Virginia 23218-1122, and on

Commission Staff counsel assigned to the matter, Arlen K. Bolstad, Office of General Counsel, State Corporation Commission, P.O. Box 1197, Richmond, Virginia 23218-1197. The notice of participation shall be filed and served as required by Rules 5 VAC 5-20-140 and 5 VAC 5-20-150. Any organization, corporation, or government entity participating as a respondent must be represented by counsel as required by Rule 5 VAC 5-20-30;

(5) Within five (5) business days of receipt of a notice of participation as a respondent, the Company shall serve upon each respondent a copy of this Ruling, a copy of the application, and all materials filed with the Commission, unless these materials have already been provided to the respondent;

(6) On or before October 18, 2002, each respondent shall file with the Clerk of the Commission an original and fifteen (15) copies of the testimony and exhibits by which it expects to establish its case and shall serve copies of the testimony and exhibits on counsel to the Company, counsel for Staff and on all other parties. In doing so, the respondent shall comply with Rules 5 VAC 5-20-140, 5 VAC 5-20-150, and 5 VAC 5-20-240;

(7) The Commission Staff shall investigate the Company's application and, on or before November 22, 2002, the Staff shall file with the Clerk of the Commission an original and fifteen (15) copies of the prepared testimony and exhibits the Staff intends to present at the hearing. The Staff shall contemporaneously serve copies of such testimony and exhibits on the applicant and respondents in this matter;

(8) On or before December 6, 2002, the Company shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony and exhibits that it expects to offer in rebuttal to the direct testimony and exhibits of the Commission Staff and respondents. The Company shall also hand-deliver or electronically deliver a copy of such rebuttal testimony and exhibits to the Commission Staff and respondents; and

(9) In all other aspects, the Commission Order for Notice and Hearing dated February 26, 2002, remains in full force and effect.

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Howard P. Anderson, Jr.  
Hearing Examiner